

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA)	
)	
Plaintiff/Respondent)	
)	
vs.)	Case No. 09-CR-0043-SPF
)	
LINDSEY KENT SPRINGER)	
)	
Defendant/Movant.)	

**UNITED STATES' MOTION FOR LEAVE FILE OUT OF TIME AND FOR
EXTENSION OF TIME TO RESPOND TO DEFENDANT/MOVANT'S
APPLICATION
(DOC. NOS. 625 – 627 and 632)**

The United States of America, by and through its attorneys, R. Trent Shores, United States Attorney for the Northern District of Oklahoma, Jeffrey Gallant, Assistant U.S. Attorney, and Charles A. O'Reilly, Special Assistant United States Attorney, hereby requests leave to file out of time and for an extension of time of three additional weeks to respond to Defendant/Movant Lindsey Kent Springer's application, which by order dated February 21, 2018, the Court construed as a Rule 60(d)(3) motion challenging the judgment entered on August 22, 2014 in Mr. Springer's original Section 2255 proceeding.

Fed.R.Civ.P. 6(b)(1)(B) provides that the Court may permit filing out of time "on motion made after the time has expired if the party failed to act because of excusable neglect." The Government's delay in resulted from its mistaken understanding that, based upon the Court's briefing schedule, the Government was

awaiting additional briefing from Mr. Springer. In reviewing the February 21, 2018 order, the Government now realizes that it, and not Mr. Springer, was to have filed a response brief by March 23, 2018. The Government apologizes its error, and moves for leave to file out of time, and additionally requests three additional weeks in order to ensure its response more completely addresses Mr. Springer's assertions that what is now before the Court in the Government's initial responses dated January 10, 2018 (Doc. #629) and February 9, 2018 (Doc. #634).

DATED: 26 March 2018

Respectfully submitted,

R. TRENT SHORES
UNITED STATES ATTORNEY

/s/ Charles A. O'Reilly
CHARLES A. O'REILLY
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CERTIFICATE OF SERVICE

I hereby certify that on the 26th day of March, 2018, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing, and also served the foregoing document by United States Postal mail to:

Lindsey Kent Springer
Defendant
FCI Seagoville
Federal Correctional Institution
P.O. Box 9000
Seagoville, TX 75159
Inmate Number 02580-063.

/s/ Charles A. O'Reilly
Charles A. O'Reilly
Special Assistant United States Attorney